



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-8000

OFFICE OF HOUSING

January 19, 2007

Mr. Brian D. Cooney
Vice President, Government Affairs
Manufactured Housing Institute
2101 Wilson Blvd., Suite 610
Arlington, VA 22201-3062

Dear Mr. Cooney:

Following up on our December meeting with you and your colleagues, we have had a chance to review the plaintiffs' pleadings you have provided us on various vapor barrier cases. As the HUD official responsible for the enforcement of the Manufactured Home Construction and Safety Standards, I can say that these pleadings consistently misrepresent HUD enforcement policy by arguing that HUD's general standard at 3280.303(b) should be applied to manufacturers' practices regarding the placement of vapor barriers even though these manufacturers have complied with HUD's more specific vapor barrier standard at 3280.504(b).

Consistent with basic principles of administrative law, it is HUD's practice to hold manufacturers accountable for compliance with the standard that most specifically applies to a particular aspect of construction. Accordingly, there is no case in which HUD has applied 3280.303(b) to a manufacturer that has complied with 3280.504(b).

Thank you again for bringing this situation to our attention. HUD has a distinct interest in maintaining an accurate understanding by arbitrators and the courts of HUD's enforcement policies and practices regarding the Manufactured Home Construction and Safety Standards. We would be especially concerned by a reported judicial decision that misstated HUD policy and practice, so please keep us advised of developments in these cases.

Sincerely,

A handwritten signature in black ink, which appears to be "W. Matchneer III", is written over a horizontal line. The signature is stylized and cursive.

William W. Matchneer III
Associate Deputy Assistant Secretary for
Regulatory Affairs and Manufactured Housing



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I, Theodore A. Ford, Director, employed by United States Department of Housing and Urban Development, certify that I have official duties in the United States Department of Housing and Urban Development, District of Columbia and have authority to make and issue this certificate. I further certify that the signature of William W. Matchneer III, Associate Deputy Assistant Secretary for Regulatory Affairs and Manufactured Housing, United States Department of Housing and Urban Development, District of Columbia, appearing on the attached copy of the document is a copy of a genuine signature and that the signer has the official capacity indicated thereon.

A handwritten signature of Theodore A. Ford in cursive script, written over a horizontal line.

Theodore Ford
Director

